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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,447	03/29/2002	Anne-Christine Ritschkoff	0365-0531P	9411
2292	7590 10/25/2004		EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747			JASTRZAB, KRISANNE MARIE	
10 -011 / .	, JRCH, VA 22040-074	7	ART UNIT	PAPER NUMBER
	,		1744	

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	u				
Advisory Action	10/089,447	RITSCHKOFF ET AL.					
	Examiner	Art Unit					
	Krisanne Jastrzab	1744					
The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence address					
THE REPLY FILED 06 October 2004 FAILS TO PLACE Therefore, further action by the applicant is required to a final rejection under 37 CFR 1.113 may only be either: (1 condition for allowance; (2) a timely filed Notice of Appear Examination (RCE) in compliance with 37 CFR 1.114.	THIS APPLICATION IN COND  Avoid abandonment of this applic  1) a timely filed amendment who	DITION FOR ALLOWANCE. cation. A proper reply to a					
PERIOD FOR REPLY [check either a) or b)]							
a) The period for reply expiresmonths from the mailing depends of the period for reply expires on: (1) the mailing date of this Adviserent, however, will the statutory period for reply expire later that ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 1706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The dath have been filed is the date for purposes of determining the period of extens 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened (b) above, if checked. Any reply received by the Office later than three more earned patent term adjustment. See 37 CFR 1.704(b).	visory Action, or (2) the date set forth in the an SIX MONTHS from the mailing date of FILED WITHIN TWO MONTHS OF THE te on which the petition under 37 CFR 1.1 sion and the corresponding amount of the	f the final rejection.  E FINAL REJECTION. See MPEP  136(a) and the appropriate extension of the final Office extension (a) the final Office extension (a) and the final Office extension (b) and (b) are the final Office extension (c) and (c) are the final Office extension (c) are the final Office ex	fee under				
1. A Notice of Appeal was filed on <u>06 October 2004</u> . Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.							
2. The proposed amendment(s) will not be entered because:							
(a) they raise new issues that would require further		see NOTE below);					
(b) they raise the issue of new matter (see Note b							
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or							
<ul><li>(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.</li><li>NOTE:</li></ul>							
3. Applicant's reply has overcome the following reject							
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).							
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for application in condition for allowance because:	reconsideration has been consi	idered but does NOT place t	the				
6. The affidavit or exhibit will NOT be considered becaused by the Examiner in the final rejection.	ause it is not directed SOLELY	to issues which were newly					
7. For purposes of Appeal, the proposed amendment( explanation of how the new or amended claims wo	(s) a)  will not be entered or b) ould be rejected is provided belo	will be entered and an wow or appended.					
The status of the claim(s) is (or will be) as follows:		• •					
Claim(s) allowed: none.							
Claim(s) objected to: none.							
Claim(s) rejected: <u>7-18</u> .							
Claim(s) withdrawn from consideration:							
8. The drawing correction filed on is a) appro	oved or b) disapproved by t	he Examiner.					
	<del></del>						
10.⊠ Other: <u>See Continuation Sheet</u>	4	Krisanne astrzab Primary Examiner					
S. Patent and Trademark Office		Art Unit: 1744					

U.S. Patent and Trademark Office PTOL-303 (Rev. 11-03) Continuation of 10. Other: Claims 7-18 would continue to be rejected over either Saka et al., or Bugg in view of Silenius et al., as presently pending. Applicant argues that this combination is overcome by their showing of synergistic unexpected results, however, the Examiner would disagree and point out that the applied references teach applications utilizing the same concentrations in solution. The combination of the siloxane and complexing agent allow for a lower application amount because the siloxane acts to retain the complexing agent from washing out, without requiring an overloading treatment application of the complexing agent. The "deep" or overloading treatment of Silenius was to account for wash out. The combination of the binding siloxane and the complexing agent is synergistic but not unexpectedly so, because their individual characteristics are retained, while being complimented by the activity of the other component.